

Senator Davis moved to suspend the regular order of business and take up Senate bill No. 360, "An act to make appeals and writs of errors from Grayson county returnable to the terms of the Supreme Court and Court of Appeals at Tyler."

Adopted, and bill taken up and read second time.

Senator Davis moved to suspend the constitutional rule requiring bills to be read on three several days to place the bill on its second reading.

Adopted by the following vote:

YEAS—9.

Buchanan,	Gooch,	Peacock,
Chesley,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Jones,	Pope,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.

NAYS—none.

Bill read second time.

Senator Johnson of Collin offered the following amendment:

Amend caption and bill so as to include Collin county.

Adopted.

On motion of Senator Davis, the rules were suspended and bill placed on third reading by the following vote:

YEAS—23.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Davis,	Jones,	Shannon,
Evans,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,	Patton,	

NAYS—none.

Bill read third time and passed.

Senator Jones moved to suspend the regular order of business, and take up substitute House bills Nos. 101, 143, 181, 216, 372, 375 and 391, "An act to amend articles 3759, 3762, 3766, 3768, and to repeal article 3758, of chapter 3, title 78, of the Revised Statutes of the State of Texas."

Motion lost.

Senator Houston moved to reconsider the vote refusing to suspend the regular order of business to take up the bill as requested by Senator Jones.

Adopted, and the regular order of business suspended by the following vote:

YEAS—24.

Buchanan,	Gooch,	Peacock,
Chesley,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—1.

Cooper.

And bill taken up.

Senator Davis offered the following amendment:

Strike out article 3768 and insert:

Article 3768. A teacher's certificate shall be valid in the county where issued, but if the applicant desires to teach in any other county he shall be examined as in other cases, and if found to be qualified his certificate shall be approved, but no fee shall be charged for any such subsequent examination. A teacher's certificate may be cancelled for drunkenness or any other good cause.

Lost.

(President pro tem. in the chair.)

The President gave notice of signing the following bills: Senate bill No. 127, "An act to reserve and set apart three hundred and twenty-five leagues of land, heretofore surveyed for the benefit of the unorganized counties of this State, and such organized counties as may have located their four leagues of school land, or any part thereof, in conflict with valid prior locations and surveys, or which may, from any cause, fail to get title to the four leagues of land they are entitled to receive under the law."

Senate bill No. 177, "An act to amend article 575, chapter 3, title 20 of the Revised Statutes, by adding thereto section 9."

Senator Davis entered a motion to reconsider the vote by which his amendment was lost.

Senator Buchanan moved to postpone further consideration of the bill and make it the special order for Friday morning after the morning call, and that 100 copies be ordered printed.

Adopted.

The President laid before the Senate substitute House bills Nos. 19, 125, 148, 270 and 274, "An act to amend articles 1678, 1696, 1698, 1699, 1700, 1705, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas."

Bill taken up, read third time and passed.

On motion of Senator Terrell, Senate adjourned till 10 o'clock a. m. to-morrow.

## SEVENTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 5, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Gibbs introduced a bill entitled "An act to provide for the more efficient management of the State penitentiaries."

Referred to Committee on Penitentiaries.

Senator Johnston of Shelby moved to suspend the regular order and take up House bill No. 288, "An act to amend article 2403, chapter 3, title 42, of the Revised Civil Statutes of the State of Texas, relating to commissions of county treasurers."

Adopted, bill taken up, read second time, and committee amendment adopted.

(Senator Gooch in the chair.)

Senator Terrell offered the following amendment:

Add to section 1, "and provided further, that this act shall apply only to counties in which the bond required of the treasurer shall be as much as twenty thousand dollars."

Senator Davis offered the following amendment to the amendment:

Strike out "twenty" and insert "forty."

Lost.

The amendment of Senator Terrell was adopted.

Senator Peacock offered the following amendment:

Amend by striking out "four hundred" and inserting "three hundred" dollars.

Senator Pope moved the previous question on the bill and amendments.

Motion seconded and main question ordered.

Senator Peacock's amendment was lost by the following vote:

## YEAS—8.

Davis,	Harris,	Peacock.
Evans,	Johnson of Collin,	Perry.
Gibbs,	Martin,	

## NAYS—18.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Houston,	Pope,
Cooper,	Johnson of Shelby,	Shannon,
Fleming,	Jones,	Stratton,
Powler,	Kleberg,	Terrell,
Getzendaner,	Matlock,	Traylor.

Bill passed to the third reading by the following vote:

## YEAS—19.

Buchanan,	Houston,	Pfeuffer.
Chesley,	Johnson of Shelby,	Pope,
Cooper,	Jones,	Shannon,
Evans,	Kleberg,	Stratton,
Fleming,	Matlock,	Terrell,
Getzendaner,	Perry,	Traylor.
Gooch,		

## NAYS—7.

Davis,	Harris,	Martin,
Fowler,	Johnson of Collin,	Peacock.
Gibbs,		

The motion made by Senator Johnston of Shelby, to suspend the rules and read the bill the third time, was lost by the following vote:

## YEAS—18.

Buchanan,	Gooch,	Pfeuffer,
Cooper,	Houston,	Pope,
Evans,	Johnson of Shelby,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Perry,	Traylor.

## NAYS—7.

Davis,	Johnson of Collin,	Martin,
Gibbs,	Jones,	Peacock.
Harris,		

Senator Chesley moved to reconsider the vote by which the bill was passed to its third reading.

Adopted by the following vote:

## YEAS—22.

Buchanan,	Johnson of Shelby,	Perry,
Chesley,	Jones,	Pfeuffer,
Cooper,	Kleberg,	Pope,
Fleming,	Martin,	Shannon,
Fowler,	Matlock,	Stratton,
Gibbs,	Patton,	Terrell,
Gooch,	Peacock,	Traylor.
Houston,		

## NAYS—5.

Davis,	Getzendaner,	Johnson of Collin,
Evans,	Harris,	

Senator Chesley offered the following amendment:

Amend section 1, strike out the words "not exceeding two and one-half for paying out the same," and insert "not exceeding two and one-half per cent, and not exceeding two and one half per cent for paying out the same."

Adopted.

Senator Davis offered the following amendment:

Amend by adding to the proviso "not to exceed one-half of the revenue of the county."

Lost, and bill as amended ordered engrossed.

Senator Johnston of Shelby moved to suspend the rules and read bill third time.

Adopted by the following vote:

## YEAS—23.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pfeuffer,
Cooper,	Johnson of Shelby,	Pope,
Evans,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,	Peacock,	

## NAYS—5.

Davis,	Harris,	Martin.
Gibbs,	Johnson of Collin,	

Bill read third time and passed by the following vote:

## YEAS—22.

Buchanan,	Gooch,	Perry,
Chesley,	Houston,	Pfeuffer,
Cooper,	Johnson of Shelby,	Pope,
Evans,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

## NAYS—6.

Davis,	Harris,	Martin,
Gibbs,	Johnson of Collin,	Peacock.

Senate joint resolution No. 28, "Amendment to section 16, article 3, of the Constitution, abolishing secret sessions of the Senate," was taken up in regular order, read second time, with unfavorable committee report.

On motion of Senator Peacock, the committee report was adopted by the following vote, and bill lost:

## YEAS—22.

Buchanan,	Houston,	Perry,
Chesley,	Johnson of Collin,	Pfeuffer,
Cooper,	Jones,	Pope,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Peacock,	Traylor.
Harris,		

## NAYS—4.

Davis,	Fowler,	Gibbs.
Farrar,		

Senate joint resolution No. 34, "To amend section 28, article 16, of the Constitution of the State of Texas," was taken up in its regular order and read second time.

The Senate refused to engross by the following vote:

## YEAS—4.

Cooper,	Pope,	Stratton.
Kleberg,		

## NAYS—22.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Davis,	Harris,	Peacock,
Evans,	Houston,	Perry,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Jones,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,		

Senator Harris moved to reconsider, and to lay that motion on the table.

Adopted.

Senate joint resolution No. 35, "Amending section 9, of article 8, of the Constitution of the State of Texas," was taken up in regular order and read second time, with unfavorable committee report.

On motion of Senator Peacock the report of committee was adopted and bill lost.

Senate joint resolution No. 37, "Amending section 2, article 10, of the Constitution of the State of Texas," was taken up in regular order and read second time, with unfavorable committee report.

On motion of Senator Jones, the committee report was adopted by the following vote, and bill lost.

## YEAS—14.

Chesley,	Johnson of Collin,	Patton,
Davis,	Jones,	Pfeuffer,
Evans,	Kleberg,	Pope,
Fleming,	Martin,	Stratton,
Houston,	Matlock,	

## NAYS—13.

Buchanan,	Gibbs,	Perry,
Cooper,	Gooch,	Shannon,
Farrar,	Harris,	Terrell,
Fowler,	Peacock,	Traylor.
Getzendaner,		

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 158, instruct me to report the same back and recommend its reference to Committee on Stock and Stockraising.

All of which is respectfully submitted.

TERRELL, Chairman.

Senator Buchanan, for Committee on Education, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1883

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 361, entitled "An act to exempt students in actual attendance upon institutions of learning, and who are non-residents of the road districts where such institutions are situated, from road duty in such district," have carefully considered the same, and your said committee unanimously instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BUCHANAN, for Committee.

Bill read first time.

A message was received from the House informing the Senate of the passage by that body of the following bill:

Substitute House bill No. 352, "An act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays branded with the county brand in the counties to which the county brand may belong."

Senate joint resolution No. 39, "Amending section 20, of article 16, of the Constitution of this State," was taken up in regular order and read second time.

Senator Houston raised the point of order that a similar bill had been defeated in the House and consequently could not be acted on in the Senate.

Point of order overruled.

Senator Traylor moved the previous question on the engrossment of the resolution.

Motion seconded and main question ordered.

Resolution ordered engrossed by the following vote:

## YEAS—14.

Buchanan,	Fleming,	Perry,
Cooper,	Gooch,	Shannon,
Davis,	Harris,	Terrell,
Evans,	Martin,	Traylor.
Farrar,	Matlock,	

## NAYS—12.

Chesley,	Johnson of Collin,	Patton,
Fowler,	Johnson of Shelby,	Pfeuffer,
Gibbs,	Jones,	Pope,
Houston,	Kleberg,	Stratton.

The following reasons for votes cast on the prohibition resolution were asked to be printed in the journal:

Cut off by the previous question from giving my views on this proposal to amend the Constitution I now do so.

My convictions against all prohibition liquor laws remain unchanged, but the question is kept alive by a refusal to permit the people to vote on it, and I believe a majority of those who elected me desire it to be voted on. Many of them want it submitted, in the hope that an amendment will be adopted forbidding the sale of liquor. Many others, like myself, desire this question submitted now, that it may be defeated and thus settled. At the polls I should vote against it, and believe that if submitted now it would be defeated by an overwhelming majority and be thus eliminated from politics. It will disturb politics in this State and confront every Legislature that follows us until it is put to rest by a vote of the people.

TERRELL.

I give the following as my reasons for voting on the prohibition resolution:

1. As long as the manufacture and sale of intoxicating liquors is permitted by and made a source of revenue to the United States government, and that government continues to issue licenses to sell liquor in prohibitory States, the enactment of such a provision would destroy the harmony which should exist between the general government and the State governments, and its effective enforcement would be impracticable, if not impossible, under these circumstances.

2. The resolution provides for an absolute, immediate and total prohibition and destruction of a social evil which has grown with and been legalized by the civilization of years, and no law can be successfully enforced which requires so radical and sudden a change in the social habits of so large a number of people.

3. In proportion to the number of qualified voters in Texas, the people have manifested no great disposition to have the question submitted at this time, and the recent elections in counties which have tried prohibition indicate that the people are opposed to it.

4. By this amendment it is proposed to deprive a large portion of our people of what they regard as a personal right and privilege, and the excitement necessarily incident to a vote on this amendment, at the time proposed, would jeopardize the fate of the school and other important constitutional amendments, which should be adopted or rejected as the deliberate judgment of the people may determine.

GIBBS.

Senate joint resolution No. 40, "Joint resolution providing for the calling of a convention to frame a new Constitution for the State of Texas," was taken up in its regular order, with unfavorable committee report.

Senator Gibbs moved to adopt committee report.

Adopted by the following vote, and bill lost:

## YEAS—25.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Cooper,	Harris,	Peacock,
Davis,	Houston,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Johnson of Shelby,	Shannon,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,		

## NAYS—3.

Jones,	Pope,	Stratton.
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Senate joint resolution No. 41, "To amend article 7, of the Constitution of the State of Texas, by adding another section," taken up in regular order and read second time, with unfavorable committee report.

On motion of Senator Houston, the resolution was ordered to lie on the table.

House bill No. 59, "An act to amend sections 1, 2 and 9, of an act entitled 'an act to amend an act entitled an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof,'" was taken up and read third time.

Senator Martin offered the following amendment:

Amend by adding the following words to the caption: "Approved April 19, 1879."

Adopted by the following vote:

## YEAS—20.

Buchanan,	Fowler,	Martin,
Chesley,	Getzendaner,	Pope,
Cooper,	Gibbs,	Shannon,
Davis,	Gooch,	Stratton,
Evans,	Johnson of Collin,	Terrell,
Farrar,	Johnson of Shelby,	Traylor.
Fleming,	Jones,	

## NAYS—6.

Harris,	Kleberg,	Peacock,
Houston,	Matlock,	Perry.

Senator Matlock offered the following amendment:

Amend by striking out the caption of the bill.

Lost by the following vote:

## YEAS—13.

Buchanan,	Houston,	Patton,
Cooper,	Johnston of Shelby,	Peacock,
Fowler,	Kleberg,	Perry,
Gooch,	Matlock,	Stratton.
Harris,		

## NAYS—15.

Chesley,	Getzendaner,	Pfeuffer,
Davis,	Gibbs,	Pope,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Jones,	Terrell,
Fleming,	Martin,	Traylor.

Senator Martin offered the following amendment:  
Amend by adding the following section:

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Senator Davis moved the previous question on the resolution and amendment.

Motion seconded and main question ordered.

Senator Martin's amendment was lost by the following vote:

## YEAS—17.

Chesley,	Harris,	Pfeuffer,
Davis,	Houston,	Pope,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Jones,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,	Patton,	

## NAYS—9.

Buchanan,	Fowler,	Matlock,
Cooper,	Gooch,	Peacock,
Fleming,	Johnston of Shelby,	Perry.

Bill passed by the following vote:

## YEAS—16.

Chesley,	Gibbs,	Patton,
Davis,	Harris,	Pope,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Jones,	Terrell,
Fleming,	Martin,	Traylor.
Fowler,		

## NAYS—10.

Buchanan,	Johnston of Shelby,	Peacock,
Getzendaner,	Kleberg,	Perry,
Gooch,	Matlock,	Pfeuffer.
Houston,		

A message was received from the House announcing the passage of substitute House bill No. 126, "An act to amend article 4684, of title 95, chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange," etc.

Also the following:

Mr. President:

I am instructed by the House to inform the Senate that the House has concurred in the following numbered Senate amendments to the House general appropriation bill: Nos. 1, 2, 3, 4, 6, 7, 8, 9, 11, 13, 15, 16, 19, 20, 21, 25, 30, 31, 33, 34, 35, 37, and that the House refuses to concur in the following numbered amendments: Nos. 5, 10, 11, 14, 17, 18, 22, 23, 24, 26, 27, 28, 29, 32, 36, 38, 39, 40, 41, 42, 43, 44.

J. W. BOOTH,  
Chief Clerk.

Senator Pfeuffer moved that the Senate insist on its amendments to the appropriation bill, and ask for a committee of conference.

Senator Davis moved to postpone the further consideration of the bill until 3 o'clock p. m.

The Senate refused to postpone by the following vote:

## YEAS—10.

Chesley,	Harris,	Shannon,
Davis,	Houston,	Terrell,
Evans,	Johnson of Collin,	Traylor.
Farrar,		

## NAYS—17.

Buchanan,	Gooch,	Patton,
Cooper,	Johnston of Shelby,	Perry,
Fleming,	Jones,	Pfeuffer,
Fowler,	Kleberg,	Pope,
Getzendaner,	Martin,	Stratton.
Gibbs,	Matlock,	

Senator Pfeuffer's motion was adopted, and the President appointed on said committee Senators Pfeuffer, Houston and Buchanan.

House bill No. 21, "An act to provide for the surrender of charters of incorporated cities and towns in the State, to authorize the counties wherein said cities or towns are situated to become their successors, and to confer such powers on the county commissioners' court as may be necessary for the government and well-being of said cities and towns," was taken up in regular order and read second time.

Senator Davis moved to postpone the bill and make it the special order after the morning call on the fifteenth day of June next.

Motion to postpone was adopted by the following vote:

## YEAS—16.

Davis,	Gooch,	Matlock,
Evans,	Harris,	Perry,
Farrar,	Houston,	Shannon,
Fleming,	Johnson of Collin,	Stratton,
Fowler,	Jones,	Traylor.
Gibbs,		

## NAYS—9.

Buchanan,	Getzendaner,	Martin,
Chesley,	Johnston of Shelby,	Patton,
Cooper,	Kleberg,	Peacock.

Senate bill No. 27, "An act to amend article 1223 of the Revised Civil Statutes of the State of Texas," was taken up, read third time and lost by the following vote:

## YEAS—12.

Buchanan,	Gooch,	Peacock,
Chesley,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Pope,
Getzendaner,	Patton,	Terrell.

## NAYS—15.

Cooper,	Gibbs,	Martin,
Davis,	Harris,	Matlock,
Farrar,	Houston,	Perry,
Fleming,	Johnson of Collin,	Shannon,
Fowler,	Kleberg,	Traylor.

Senate joint resolution No. 49, revoking penitentiary leases, in the event Senate amendments thereof are not adopted before adjournment, was taken up, read second time, and,

On motion of Senator Jones, ordered to lie on the table.

House bill No. 69, "An act to amend article 1134 of the Revised Statutes of the State of Texas, and to add article 1134a, requiring county judges now in office to give official bond," was taken up and read second time, with adverse report of committee.

Senator Evans moved to adopt the report.

Motion lost by the following vote:

## YEAS—5.

Davis,	Houston,	Stratton.
Evans,	Jones,	

## NAYS—21.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Farrar,	Johnston of Shelby,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

Senator Fowler offered the following amendments:

Amend by striking out all requiring county judges to give bond conditioned that he will "faithfully discharge all of the duties of his office."

Amend so as to require the bond to be given thirty days after this act takes effect instead of thirty days from the passage of the act.

Adopted, and bill passed to third reading.

On motion of Senator Fowler, rules were suspended and bill placed on its third reading by the following vote:

YEAS—18.

Buchanan,	Harris,	Peacock.
Chesley,	Johnson of Collin,	Perry.
Cooper,	Johnston of Shelby,	Pfeuffer.
Farrar,	Kleberg.	Shannon.
Fowler,	Matlock,	Terrell.
Gooch,	Patton.	Traylor.

NAYS—8.

Davis,	Gibbs,	Pope.
Evans,	Houston,	Stratton.
Getzendaner,	Martin,	

Bill read third time and passed.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 342, being "An act to provide for adjusting and settling outstanding land certificates," and find the same correctly engrossed.

MARTIN, Chairman

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 360, being "An act to make appeals and writs of error from Grayson and Collin counties returnable to the Supreme Court and Court of Appeals at Tyler," and find the same correctly engrossed.

MARTIN, Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 351, being "An act to amend an act entitled 'an act to prescribe the times of holding the district courts in the ninth judicial district,' approved April 9, 1879," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 127, being "An act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed for the benefit of the unorganized counties of this State, and such organized counties as may have located their four leagues of school land, or any part thereof, in conflict with valid prior locations and surveys, or which may, from any cause, fail to get title to the four leagues of land they are entitled to receive under the law," and find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared Senate concurrent resolution No. 25, "Requesting Texas Senators and Representatives to secure division of work on 'Texas coast in two or more districts, and for additional engineer officers,'" and find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 177, being "An act to amend article 575, chapter 3, title 20 of the Revised Statutes, by adding thereto section

9," and find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Houston, by unanimous consent, presented a petition of physicians and members of State Medical Association, asking the passage of a law regulating the sale of poisonous drugs and medicines.

Referred to Judiciary Committee No. 2.

A message was received from the House announcing the appointment of Messrs. Cramer, Taylor and Lindsey as a free conference committee on the part of the House to settle the disagreements of the two bodies on House bill No. 521, "An act to amend article 4462 of the Revised Civil Statutes of the State of Texas."

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 543, entitled "An act authorizing cities on the coast of Texas bordering on the Gulf of Mexico, to issue bonds for harbor improvements, and to levy a tax to pay for the same," have duly considered said bill, and instruct me to report it back and recommend its passage with the accompanying amendments.

PATTON, Chairman.

Bill read first time.

Amend caption by striking out all after the word "Texas," and inserting "to appropriate money and to issue bonds for improvement of their harbors and of the bars at the entrance thereof, and to levy a tax to pay for the same."

Amend section 1, by striking out all after the word "empowered," line 15, and insert the words "to appropriate money to improve, and to aid in the improvement of their harbors and of the bars at the entrance thereof; provided, that they shall not thereby increase their aggregate debt beyond the amount of indebtedness limited by their charters respectively; such appropriations to be made out of any surplus funds which may at any time be on hand, and by the use or sale of any bonds heretofore authorized to be issued; provided, such bonds are not needed for the purposes for which they were specially authorized; and also, if necessary therefor, to issue and dispose of bonds, with interest coupons attached, in such amounts as may be necessary, not to exceed the limit of indebtedness fixed by their charters."

Amend by striking out section 5.

Amend section 2 by striking out all after the word "bonds," and inserting "as required by the Constitution."

The President referred House bill No. 441, "An act to make telegraph corporations and individuals owning or operating telegraph lines in the State of Texas, common carriers," to Committee on State Affairs.

On motion of Senator Buchanan the report of the free conference committee on House joint resolutions Nos. 4, 10, 11 and 13, was taken up and read, and,

On motion of Senator Buchanan, the report was adopted by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Cooper,	Harris,	Peacock,
Evans,	Houston,	Perry,
Farrar,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Shannon,
Fowler,	Kleberg,	Stratton,
Getzendaner,	Martin,	Traylor.

NAYS—3.

Davis,	Johnson of Collin,	Terrell.
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On motion of Senator Johnston of Shelby, Senate adjourned till 10 o'clock a. m. to-morrow.

## SEVENTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, April 6, 1883. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Kleberg presented a memorial of the Board of Veterans, asking appropriation for their services.

Referred to the Committee on Finance.

Senator Traylor, acting chairman of Committee on Stock and Stock-raising, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 158, entitled "An act to amend article 69, chapter 3, title 17, of the Penal Code of the State of Texas, as amended by an act of the Legislature, approved April 4, 1881, entitled 'an act to amend article 690, chapter 3, of the Penal Code of the State of Texas,' passed on the twenty-first day of February," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do not pass, for the reason that the law we now have upon the herding of stock upon the land of others is sufficient, and better than the proposed change.

All of which is respectfully submitted.

TRAYLOR, Acting Chairman.

Bill read first time.

Senator Gibbs, acting chairman of Committee on State Affairs, offered the following report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 333, together with the message of the Governor vetoing the same, have carefully examined the bill and considered the reasons assigned for the veto, and beg leave to report:

1. That the general law, title 15, Revised Statutes, provides that after the United States government has acquired title to property for the specified purposes and the deed has been recorded, that the Governor may cede the necessary jurisdiction. On the other hand, the United States statutes making the appropriation for the purpose of erecting the building in the city of Dallas, provides that the appropriation shall not be available until the State cedes the jurisdiction, in that act required, which is the same jurisdiction ceded by our general laws, and provided for in the bill under consideration.

While this is more a technical than a substantial conflict, yet it might be sufficient to induce the department to withhold the appropriation.

Another reason assigned by his Excellency for the veto is, that the act is objectionable under the latter part of section 56, article 3, of the Constitution, which reads as follows: "And in all cases where general law can be made applicable no local or special law shall be enacted."

We most respectfully submit that unless the various United States statutes making appropriations of this character should be uniform in their requirements, that no general law could be made applicable in all cases, as is illustrated in the present conflicting specific requirements of the two statutes.

2. The jurisdiction ceded by the pending bill is the same ceded by the general law and ordinarily ceded, and is in manner and form as required by the United States statute making the appropriation.

In an abundance of caution, in order that there may be no possibility of the appropriation being withheld, we recommend that the bill be passed, notwithstanding the veto.

All of which is respectfully submitted.

GIBBS, for Committee.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and

and compared Senate joint resolution No. 39, "Amending section 20, of article 16, of the Constitution of the State," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Davis introduced a bill entitled "An act to amend article 1005 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senator Shannon offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring,* That the Eighteenth Legislature adjourn, "without day," at 10 o'clock a. m., on Friday, the thirteenth day of April, A. D. 1883.

Senator Matlock offered the following substitute for Senator Shannon's resolution:

*Be it resolved by the Senate, the House of Representatives concurring,* That the Eighteenth Legislature stand adjourned, sine die, at 10 o'clock a. m., Thursday, April 12, 1883.

Senator Davis moved the previous question on the resolution and substitute.

Motion lost.

Senator Davis moved the previous question on Senator Matlock's substitute.

Motion seconded and main question ordered.

Substitute lost by the following vote:

YEAS—5.

Davis,  
Evans,

Getzendaner,  
Matlock,

Traylor.

NAYS—16.

Buchanan,  
Chesley,  
Farrar,  
Fowler,  
Gibbs,  
Gooch,

Harris,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
Martin,

Peacock,  
Perry,  
Pfeuffer,  
Shannon,  
Stratton.

Senator Shannon's resolution was adopted.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,  
AUSTIN, April 6, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has adopted, by the requisite majority, the report of the free conference committee on House joint resolutions Nos. 4, 10, 11 and 13, amending the Constitution, by a vote of ayes 84, nays 5.

Also, that the House has concurred in Senate amendments to House joint resolutions Nos. 6, 8 and 27, the same amending the Constitution by a vote of ayes 74, nays 13.

Respectfully,

J. W. BOOTH,  
Chief Clerk.

On motion of Senator Jones, Senators Fleming and Pope were excused for to-day.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 4, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 469, entitled "An act to enlarge the duties of the Attorney General of the State of Texas, and to conform the duties of county and district attorneys thereto," have duly examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that said bill proposes to divest the county and district attorneys of certain powers deposited with said officers in the Constitution of the State, article 5, section 21, as construed by Stayton (justice) in case of State of Texas vs. E. T. Moore,

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

Senator Harris moved to suspend regular order and take up Senate bill No. 323, "An act to redistrict the State into judicial districts, and prescribe the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election,